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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/733,864	12/11/2003	Kevin Blair Frender	ORACL-01307US1	8087
80548	7590	03/04/2009		
Fliesler Meyer LLP 650 California Street 14th Floor San Francisco, CA 94108			EXAMINER PRCT, NATHAN E	
			ART UNIT 2194	PAPER NUMBER
			MAIL DATE 03/04/2009	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/733,864

Applicant(s)

FRENDER ET AL.

Examiner

NATHAN PRICE

Art Unit

2194

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 December 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-70 is/are pending in the application.
- 4a) Of the above claim(s) See Continuation Sheet is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,5,6,15,19,24,28,29,38,42,47,51,52,61,65 and 70 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Final Drawing Review (PTO-848)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Continuation of Disposition of Claims: Claims **withdrawn** from consideration are 2-4,7-14,16-18,20-23,25-27,30-37,39-41,43-46,48-50,53-60,62-64 and 66-69.

DETAILED ACTION

1. This Office Action is in response to communications received 12 December 2008. Claims 1-70 are pending, of which, claims 2-4,7-14,16-18,20-23,25-27,30-37,39-41,43-46,48-50,53-60,62-64 and 66-69 have been withdrawn. Previous objections and rejections not included in this Office Action have been withdrawn.

Response to Arguments

2. Applicant's arguments, see REMARKS section II, filed 12 December 2008, with respect to objection regarding antecedent basis of the protocols and rejections under 35 USC 112, 2nd paragraph, have been fully considered and are persuasive. These objections and rejections have been withdrawn.

3. Applicant's arguments filed 12 December 2008 regarding the other claim objections have been fully considered but they are not persuasive. It is not clear why Applicant believes the amendments overcome the objection regarding the insufficient antecedent basis for the limitation "the web service". The objection regarding antecedent basis of the other two limitations in the previous Office Action is withdrawn.

4. Applicant's arguments with respect to prior art rejections have been considered but are moot in view of the new ground(s) of rejection.

Claim Objections

5. Claims 1,5,6,15,19,24,28,29,38,42,47,51,52,61 and 65 are objected to because of the following informalities:

There is insufficient antecedent basis for the limitations "the web service" in claims 1, 24, 47 and 70.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1,5,6,15,19,24,28,29,38,42,47,51,52,61,65 and 70 are rejected under 35 U.S.C. 103(a) as being unpatentable over Richards et al. (US 2002/0147850 A1; "Richards") in view of Reisman (US 2002/0129094 A1), Glass (see PTO-892 mailed 11 December 2007) and Kikinis (US 2002/0049833 A1).

8. As to claim 1, Richards teaches a mobile device (¶ 40) comprising:

a memory (¶ 19, 40, 42);

at least one processor (¶ 19, 40, 42);

an application data store, residing in the memory, to store application data, the application data being associated with an application (§§ 19, 40, 42); and a processor to run the application, the application containing presentation information, information for interpreting the stored application data, using the information in the application to produce a display including data from the stored application data, interacting with a server to update stored application data in the background when a connection between the mobile device and server is available (§§ 19, 40, 42).

9. Richards fails to specifically teach the application data being persistent when the application is not running, executing a runtime environment program, information for constructing messages to a server, relay interface and plug-in as claimed.

10. However, Reisman teaches the application data being persistent when the application is not running (§§49) and executing a runtime environment program (§§308, 317), wherein the runtime environment program includes a relay interface, the relay interface knowing a transport protocol used by the mobile device and transmitting messages using the transport protocol (§§200); wherein the server includes a transport manager-relay interface plug-in, the transport manager-relay interface plug-in understanding the transport protocol used by the mobile device and receiving messages transmitted to it using the transport protocol (§§207). It would have been obvious to one of ordinary skill in the art at the time Applicant's invention was made to combine these

teachings because Richards teaches synchronizing data and Reisman also teaches details of synchronizing data.

11. Richards fails to specifically teach simplified messages, converting messages and the content of the simplified messages as claimed. However, Kikinis teaches the runtime environment program sends simplified messages to the server (abstract; ¶ 53, 76 – 77, 188). Kikinis also teaches the server converts the simplified messages to messages of a first markup-language based messaging protocol for the service and converts messages of the first markup-language based messaging protocol from the service into simplified messages for the mobile device wherein the protocol of the simplified messages is less complex than the first markup-language based messaging protocol (abstract; ¶ 53, 76 – 77, 188). It would have been obvious to one of ordinary skill in the art at the time Applicant's invention was made to combine these teachings because both Richards and Kikinis are directed towards providing services and resources in distributed systems to devices such as hand-held computers and PDAs. Kikinis fails to specifically teach SOAP and web services. However, Glass teaches SOAP and web services (p. 7 ¶3), which teaches a format that can be used by Internet sources described by Kikinis (abstract).

12. Furthermore, Glass teaches information for constructing messages to a server (p. 18 WSDL ¶1). It would have been obvious to one of ordinary skill in the art at the time Applicant's invention was made to combine these teachings because both are

directed towards providing services and resources in distributed systems. Glass further teaches wherein each simplified message consists of a title and a single block of data in a markup language format (p. 5 ¶4 – p. 7 ¶1).

13. As to claim 5, Richards teaches the mobile device and the server use asynchronous messaging (abstract; ¶ 19, 42).

14. As to claim 6, Richards teaches messages are stored until a connection between the mobile device and server is available (abstract; ¶ 19, 42).

15. As to claim 15, Richards fails to specifically teach web services as claimed. However, Glass teaches the application receives data from web service (p. 5 ¶3 – p. 7 ¶1; p. 9 ¶1).

16. As to claim 19, Glass teaches the XML field contains an XML fragment (p. 5 ¶4 – p. 7 ¶1).

17. As to claims 24, 28, 29, 38, 42, 47, 51, 52, 61, 65 and 70, see the rejection of claims 1, 5, 6, 15 and 19.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **NATHAN PRICE** whose telephone number is (571)272-4196. The examiner can normally be reached on 8:30am - 5:00pm, Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An can be reached on (571) 272-3756. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Meng-Ai An/
Supervisory Patent Examiner, Art Unit 2195

NP